

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USCA Docket Number:

USDC Docket Number : 05-11174

James Gomes

v.

United States of America

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**CLERK'S CERTIFICATE**

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 6/20/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on June 23, 2005.

Sarah A. Thornton, Clerk of Court

By: *Jeanette Ramos*

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 6/24/05.

*R. Barchard*

Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:05-cv-11174-WGY**

Gomes v. United States of America  
Assigned to: Chief Judge William G. Young  
Cause: 28:2255 Motion to Vacate / Correct  
Illegal Sentenc

Date Filed: 06/06/2005  
Jury Demand: None  
Nature of Suit: 510 Prisoner:  
Vacate Sentence  
Jurisdiction: U.S. Government  
Defendant

**Petitioner**

**James Gomes**

represented by **James Gomes**  
23823-038  
Elkton Federal Correctional  
Institution  
P.O. Box 10  
Lisbon, OH 44432  
PRO SE

V.

**Respondent**

**United States of America**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/06/2005	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (2255) , filed by James Gomes.(Bell, Marie) (Entered: 06/07/2005)
06/06/2005	<u>2</u>	SUPPLEMENT BRIEF by James Gomes to <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255). c/s.

		(Bell, Marie) (Entered: 06/07/2005)
06/06/2005	•	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Bell, Marie) (Entered: 06/07/2005)
06/10/2005	•	Judge William G. Young : Electronic ORDER entered re <u>1</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by James Gomes. THIS PETITION IS DISMISSED AFTER CAREFUL REVIEW OF THE ENTIRE RECORD. IT IS FRIVOLOUS, SEEKING TO REARGUE MATTERS WHICH WERE, OR SHOULD HAVE BEEN, RAISED ON DIRECT APPEAL AND RAISING NOTHING OF SIGNIFICANCE. FAR FROM BEING INEFFECTIVE, COUNSEL'S PERFORMANCE WAS EXEMPLARY. NOTHING OF CONSTITUTIONAL MAGNITUDE TURNS ON THE FACT THAT THE JURY WAS NOT POLLED. cc/cl.(Bell, Marie) (Entered: 06/10/2005)
06/10/2005	•	Civil Case Terminated. (Bell, Marie) (Entered: 06/10/2005)
06/20/2005	•3	NOTICE OF APPEAL as to Order,, by James Gomes. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 7/11/2005. cc/cl.(Bell, Marie) (Entered: 06/21/2005)